

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	
	)	

**SUPPLEMENTAL NOTICE AND COMMENTS OF THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

The Pennsylvania Public Utility Commission (PaPUC) submits this supplemental notice and comments in response to the Public Notice (DA-01-1647) released July 11, 2001. By that notice, the Commission requested that parties that filed petitions for reconsideration of the *Universal Service First Report and Order* on May 8, 1997, now file a supplemental notice indicating which of such issues they still wish to be reconsidered. In addition, parties may refresh the record with any new information or arguments they believe to be relevant to deciding such issues. The Commission further stated that to the extent parties do not indicate an intent to pursue their respective petitions for reconsideration, the Commission will deem such petitions withdrawn and they will be dismissed.

The *Universal Service First Report and Order* of May 8, 1997, addressed the issues of funding for schools and libraries in “rural areas” of the country. Section 54.5 of the Commission’s rules described what defined a “rural area.” The PaPUC requested a waiver of the definition for nine of Pennsylvania’s counties. On January 2, 1998, the Commission’s Common Carrier Bureau issued a Memorandum Opinion and Order

denying the PaPUC's request for a waiver from the definition of "rural area" contained in Section 54.5 of the Commission's rules. On February 2, 1998, the PaPUC filed a Combined Petition For Reconsideration of the Commission's Memorandum Opinion and Order of January 2, 1998. The PaPUC wishes to pursue its petition for reconsideration and we respectfully request the Commission reconsider its Order of January 2, 1998.

The PaPUC supported its petition for reconsideration with new and relevant supplemental evidence not reasonably discoverable at the time of the initial pleadings, sufficient to warrant reconsideration under the law. This new and relevant supplemental evidence is substantially likely to affect the implementation of Sections 254(b) and 254(h) of TA-96.

Pennsylvania has nine counties which meet the criteria of "modified non-urbanized" rural areas based on 1990 Census Bureau definitions and data. Each of the nine counties has a population that is less than 50% urbanized and no county possesses a central city. We note that although a newer census was taken in the year 2000, the results of said census have yet to be published. According to the Pennsylvania State Data Center, publications of information should begin in September 2001, and the PaPUC intends to review any publications for any census changes that would affect the criteria of "modified non-urbanized" rural areas.

In addition, Pennsylvania developed initiatives before the Act that focus on the challenges facing these rural counties. Each county contains rural school districts and has designated health care shortage areas. In its petition for reconsideration, the PaPUC submitted corroborative evidence showing that these counties contain rural telecommunications carriers as defined under the Act and that all nine rural counties pay

higher T-1 rates than are charged in urban counties in order to obtain the basic and advanced telecommunications services envisioned by the Act.

Respectfully submitted,

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Dated: